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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT G. LUSTYIK, JR. and
JOHANNES W. THALER,

Defendants.

Case No. 2:12-cr-645 (TC) (DBP)

**GOVERNMENT'S PROPOSED
VOIR DIRE**

The United States, by and through undersigned counsel, hereby respectfully submits the government's requested voir dire.

1. What is your name?
2. What is your age?
3. What is your occupation?
4. What is your marital status?
5. What is the occupation of your spouse, if applicable?
6. What is your educational background, including degrees obtained, if any?
7. Have you read or heard anything about this case?
8. This case is being prosecuted by the United States Department of Justice. Have you or your family or friends ever had any dealings with the Department of Justice?
 - a. If so, what were those dealings?

- b. How were they resolved?
- c. Do you have positive or negative feelings towards the Department of Justice as a result?
- d. Do you have strong feelings toward law enforcement in general that might interfere with your ability to be fair and impartial?

9. Do you have a strong opinion about the federal government, either positive or negative?

10. Do you know the defendants in this case, Robert G. Lustyik, Jr., and Johannes W. Thaler?

11. Do you know any of the following individuals:

- a. Peter Koski
- b. Maria Lerner
- c. Ann Marie Blaylock Bacon
- d. Assistant United States Attorney Karin Fojtik
- e. Raymond Mansolillo
- f. Daniel Calabro
- g. Michael Leroy Taylor
- h. Assistant United States Attorney Cy Castle
- i. Assistant United States Attorney Felice "Phil" Viti
- j. Assistant United States Attorney Robert Lund
- k. Assistant United States Attorney Brent Ward
- l. Department of Defense Special Agent Keith Darnell
- m. FBI Special Agent Sara Jones
- n. FBI Special Agent Peter Orphanos

- o. Department of Homeland Security Special Agent Shaun Helt
- p. IRS Agent Jeffrey Fletcher
- q. FBI Special Agent Andrew Dodd
- r. Department of Justice Special Agent Thomas Hopkins
- s. Department of Justice Special Agent Guido Modano
- t. Department of Justice Special Agent Harry Lidsky
- u. FBI Intelligence Analyst Stephanie Eggleston
- v. FBI Special Agent Michael Dabbo
- w. Michael Feldman
- x. [Defense witnesses]

If you know any of these individuals, how do you know them, and would your knowledge of them affect their ability to be fair and impartial in the case?

- 12. Agents of the Department of Justice Office of the Inspector General participated in the investigation of this case, and may be called as witnesses. Do you have any positive or negative feelings towards this agency, or members of this agency? Have you, your family, or your friends had any dealings with these agencies? Please elaborate.
- 13. In the course of this trial, you will hear about, and may even hear testimony from, agents with the Federal Bureau of Investigation, the United States Department of Defense, the United States Department of Homeland Security, Army Criminal Investigative Division, and the Internal Revenue Service. Do you have any positive or negative feelings towards this agency, or members of this agency? Have you, your family, or your friends had any dealings with these agencies? Please elaborate.

14. Do you have prior experience with, or knowledge of, members of law enforcement that would cause you to be prejudiced against, or biased in favor of, witnesses who are law enforcement officers?
15. Have you, a member of your immediate family, or a close personal friend been accused of or prosecuted for a crime, other than a routine traffic violation? If you would prefer not to speak in open court, you may speak outside the presence of other members of the jury pool about the following matters.
 - a. If so, who and when?
 - b. What was the nature of the charge?
 - c. What was the outcome?
 - d. Do you feel that you were (or your family member or friend) treated fairly by law enforcement and the prosecution?
 - e. Do you have any negative feelings towards law enforcement as a result?
 - f. Do you believe this will have an effect on your ability to make a fair and impartial decision in this matter?
16. Have you ever appeared in Court as a witness in a case or as a party in a lawsuit? If so, describe the circumstances.
17. Are you or any close members of your family employed in law enforcement?
 - a. Who, where, relationship.
 - b. Does this employment prevent you from being impartial in this matter?
18. Do you have any moral, ethical or religious beliefs that make it difficult for you to pass judgment on others, or to render a jury verdict?

19. During the course of this trial, you will hear various emails and text messages being read aloud, and will be shown on a video screen. Some of these emails and text messages contain vulgar language. Would your being required to hear and listen to, or see in writing, vulgar language in any way affect your ability to be a fair and impartial juror in this case?
20. Have you ever served on a jury or grand jury before?
 - a. What was the nature of the case?
 - b. If you served on a jury trial, were you able to reach a verdict? What was the verdict?
 - c. Where was the trial held? Was the trial in state or federal court?
21. Do you have personal knowledge or the facts of this case separate from anything you may have learned in the media?
22. The Court will give you instructions on the law at the conclusion of all the evidence as the law applies to the facts of this case. Is there any reason you believe you would not follow the Court's instructions on the law and apply the law to the facts on this case?
23. Are you willing to give equal weight to both direct and circumstantial evidence?
24. If the United States proves the defendants are guilty beyond a reasonable doubt, would you hesitate to return a verdict of guilty as charged?
25. When required to make an important decision, do you have difficulty reaching that decision?
26. This trial is expected to last four weeks. While this does not excuse one from participation as a juror, do you have vacation, family, work, or other plans during the

next four weeks that would be significantly disrupted if you were selected as a juror in this case?

27. Is there any reason, not previously addressed, that you believe would affect your ability to be a juror in this case?

The government also requests this court give any additional voir dire questions deemed appropriate in this matter

Respectfully submitted,

JACK SMITH
Chief

By: /s/ Maria N. Lerner
Peter M. Koski, Deputy Chief
Maria N. Lerner, Trial Attorney
Public Integrity Section

JAIKUMAR RAMASWAMY
Chief

By: /s/ Ann Marie Blaylock Bacon
Ann Marie Blaylock Bacon, Trial Attorney
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